

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIRON B. SPRINGFIELD,  
Plaintiff,  
K. ESTRADA, et al.,  
Defendants. } NO. CV 18-9488-DDP (AGR)  
} ORDER TO SHOW CAUSE

Plaintiff, a prisoner, has filed a civil rights complaint under 42 U.S.C. § 1983 and an application to proceed without prepayment of filing fees.

Plaintiff is ordered to show cause in writing, on or before **December 10, 2018**, why the court should not recommend denial of his application to proceed *in forma pauperis* due to his admitted failure to exhaust administrative remedies. The complaint acknowledges that Plaintiff did not complete the grievance procedure. (Compl. at 2.)

A prisoner is required to complete exhaustion procedures before filing a complaint in court. *Ross v. Blake*, 136 S. Ct. 1850, 1856 (2016). “No action shall be brought with respect to prison conditions under [42 U.S.C. § 1983], or any other Federal law, by a prisoner confined in any jail, prisoner, or other

correctional facility until such administrative remedies as are available are exhausted.” 42 U.S.C. § 1997e(a).

The complaint alleges that Plaintiff's appeal at the first level was partially granted in that an investigation into Plaintiff's enemy concerns would be conducted and a "determination will then be made on placement and housing options." (Compl. at 5C ¶ 6 & Exh. 6 at 1.)

The complaint does not allege that administrative remedies are unavailable. Plaintiff states that the named defendants “participated in the review of the appeal.” (Compl. at 2.) However, a prisoner is not entitled to a specific grievance procedure and mishandling of grievances fails to state a claim for relief. *Ramirez v. Galaza*, 334 F.3d 850, 860 (9th Cir. 2003). More importantly, a defendant’s participation in the grievance process does not excuse exhaustion of remedies. “An inmate, that is, must exhaust available remedies, but need not exhaust unavailable ones.” *Ross*, 136 S. Ct. at 1858.

## ORDER TO SHOW CAUSE

IT IS THEREFORE ORDERED that on or before ***December 10, 2018***, Plaintiff shall show cause in writing why the court should not recommend denial of his application to proceed *in forma pauperis* and dismissal of his complaint without prejudice.

If Petitioner fails to respond to this order to show cause by *December 10, 2018*, the court may recommend that the application for proceed *in forma pauperis* be denied and that the complaint be dismissed without prejudice.

DATED: November 9, 2018

Alicia L. Rosenberg

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ALICIA G. ROSENBERG  
United States Magistrate Judge